

## **REMARKS**

Claims 56-65 have been amended. No claims have been added or cancelled. Therefore, claims 1-65 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Examiner rejected claims 56-65 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, to expedite prosecution, claims 56-65 have been amended to recite a tangible, computer accessible medium. Applicants respectfully request removal of the § 101 rejection.

Applicants note that the Examiner asserted no prior art rejection against claims 56-65. Accordingly, claims 56-65 are in condition for allowance.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-55 under 35 U.S.C. § 103(a) as being unpatentable over Huitema et al. (U.S. Publication 2003/0056093) (hereinafter "Huitema") in view of Klonowski (U.S. Patent 5,479,514). Applicants traverse this rejection for at least the following reasons.

Contrary to the Examiner's assertion, Huitema in view of Klonowski fails to teach or suggest all of the limitations of claim 1. The Examiner cites Huitema, page 7 (sections 0054-0056), and FIGs. 3 and 5, as teaching a *first peer sending a message to a second peer on a peer-to-peer network, wherein the message indicates that the first peer is requesting a session with the second peer; the first peer sending a first public key to the second peer; the second peer receiving the first message; the second peer receiving the first public key; the second peer determining if a session with the first peer is to be established in response to the message indicating the first peer is requesting a session*

*with the second peer.* These figures and paragraphs describe a method for forming a peer-to-peer group in which an owner invites a member U1 to join the group. The Owner sends an invitation to U1 that contains the Group PNRP ID and Group certificate 212, which the owner created containing a User's public key signed with the Group Private Key. Once U1 receives the invitation, these passages describe the steps taken to complete the process of joining the group. However, nothing in these paragraphs or figures, or elsewhere in Huitema or Klonowski, alone or combined, teaches or suggests *the second peer determining if a session with the first peer is to be established in response to the message indicating the first peer is requesting a session with the second peer*, as recited in claim 1.

The Examiner admits that Huitema fails to explicitly disclose a session key. The Examiner relies on Klonowski to teach this feature and cites column 6, lines 13-36. This citation in Klonowski describes a secure network in which a secondary logical unit (SLU) replies to a LOCATE request from a primary logical unit (PLU) seeking to establish a session with the SLU. The SLU may generate a session key and include this in its reply.

The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huitema's peer-to-peer group method by using Klonowski's encrypted communication because Klonowski provides a secure method for data to be exchanged within a peer-to-peer communication by incorporating a session key. The Examiner cites Klonowski, column 2, lines 23-35 as providing this motivation. This citation describes that the invention of Klonowski "solves the security problem with vendor independent nodes and simultaneously mitigates the problem of key proliferation in APPN networks." However, neither of these problems is described as being present in the system of Huitema. Applicants remind the Examiner that, "It is well-established that before a conclusion of obviousness may be made based on a combination of references, there must have been a reason, suggestion, or motivation to lead an inventor to combine those references." *Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1629 (Fed. Cir. Feb. 1996). Furthermore, the infrastructure and method of Huitema already

provide a secure method for data to be exchanged through various disclosed methods involving peer-to-peer groups and security credentials and protocols thereof (see Huitema, abstract). Therefore, there would be no motivation to provide a different way to provide secure data exchange in Huitema.

Finally, modifying the peer-to-peer group methods of Huitema to include the session key feature of Klonowski would change the principal of operation in the invention of Huitema, in which secure communications are managed through peer group membership and various related protocols, not by establishing sessions between two otherwise unconnected nodes in a network. As stated in the MPEP §2143.01 “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti* , 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . .” (*emphasis added*).

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply also to independent claims 15, 25, 29, 33 and 45.

Applicants note that the Examiner asserted no prior art rejection against claims 56-65. Accordingly, claims 56-65 are in condition for allowance.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

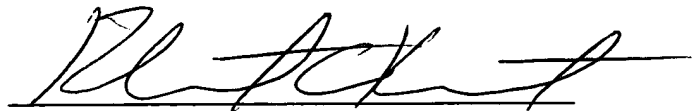
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-94200/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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